

Mayor Roger M. Kensler
City of Troy
Drawer S
Troy, MT. 59935

August 17, 1987

Dear Mayor Kensler,

As you requested, I have enclosed herewith a draft Charter for the City of Troy reflecting all of the provisions of your present "council-mayor" form of government with the exception that this Charter provides for non-partisan municipal elections. Please note that your present form of government is required to conduct partisan elections pursuant to 7-3-113(1) MCA. I understand that your community now conducts non-partisan municipal elections. The last legislative session enabled your city council to adopt a resolution to provide for non-partisan elections and you should do so before October, 1987 irrespective of your Charter efforts.

By adopting this Charter, your electorate will confer self-governing powers upon the City thus severing your government from the constraints of Montana law as they relate to a general powers government. Thus, I believe it may be wise to include specific limitations on the taxing power of the Charter government which I have set forth at Article 1.03 for your consideration.

In my professional judgement this proposed Charter meets all of the requirements of law but I would urge you to have it reviewed by your city or county attorney for competent legal opinion as to its legal sufficiency.

Finally, I am a bit concerned about the content and form of the ordinance referring this Charter to the electorate. Also, I need to do a bit more research concerning public notice requirements and other possible statutory requirements pertaining to the vote on the Charter. My hunch right now is that you will need a couple of additional certificates just to insure compliance with law and thorough public understanding of what you are seeking to accomplish. I will complete my research soon and advise you accordingly. Call if you have any questions.

Sincerely,

Dr. Kenneth L. Weaver
Director